

LAW OFFICES OF JILL R. SHELLAW PLLC

15 Chester Avenue  
White Plains, NY 10601  
jrs@shellowlaw.com  
212.792.4911 (Telephone)  
203.258.1463 (Mobile)

October 20, 2023

**BY ECF ONLY**

The Honorable Arun Subramanian  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

The proposed modifications are hereby adopted, including those specified in Officer Ovalles' email. The Clerk of Court is directed to terminate the motion at ECF No. 15.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: October 23, 2023

**RE: *United States v. Cristian Espinal*, 23-MJ-6716**

Dear Judge Subramanian:

I am writing to request three modifications and one clarification as to Cristian Espinal's bond. This letter is addressed to Your Honor because I believe that you reserved jurisdiction for matters related to Mr. Espinal's bail. I have spoken with AUSA Margaret Lynaugh and Pretrial Services ("PTS") Officer Marlon Ovalles. Both consent to these requests:

1. Whenever the Dominican Consulate cancels a passport, it must issue a replacement. I propose that when Mr. Espinal receives the replacement that it be delivered to me the same day. When I receive the replacement, I will inform the Court and surrender the passport to PTS.

2. Homeland Security has directed Mr. Espinal to appear at the Hackensack Support Center on October 26 for a biometric scan in connection with his green card application. I respectfully request that Mr. Espinal be permitted to keep this appointment.

3. As Your Honor knows, Mr. Espinal's wife is pregnant. I propose that if she or the baby has a medical emergency (and when she goes into labor) Mr. Espinal be permitted to go with her to the hospital, and in the event of labor, be permitted to stay for the birth. Mr. Espinal must inform PTS in advance or as soon as practicable thereafter.

4. On Thursday, October 12, PTS Officer Ovalles, emailed to clarify the terms of Mr. Espinal's home incarceration. The email and excerpts from the bond are attached. To avoid any confusion, I am requesting that Your Honor specifically approve Officer Ovalles' email.

Respectfully submitted,

s/ Jill R. Shellow  
Jill R. Shellow

cc: AUSA Margaret Lynaugh (by ECF and email)  
SDNY PTS Officer Marlon Ovalles (by email)  
NJ PTS Officer Luis Baez (by email)

**From:** Marlon Ovalles  
**To:** Subramanian NYSD Chambers  
**Cc:** Izlia Sanchez; Madalyn Toledo; Jill Shellow; Margaret Lynaugh  
**Subject:** Bond: 23-mag-6716 - Cristian Eustate Espinal  
**Date:** Thursday, October 12, 2023 7:05:34 AM  
**Attachments:** Eustate-Espinal Cristian UPDATED - joe -- MEL Signed.pdf

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Good morning,

The bond issued as to Cristian Eustate Espinal (23-mag-6716) states the following: “During Home Incarceration, defendant may **only** leave the house for the purpose of having the passport cancelled, only when accompanied by one of the three FRPs or the person of moral suasion and must do so with prior approval of Pretrial Services.”

Unless informed otherwise, Pretrial Services will instruct the defendant to abide by the standard restrictions associated with Home Incarceration as reflected on page 4 of the bond. Furthermore, Pretrial Services will provide the defendant leave to cancel his passport so long as he is accompanied by a FRP or the moral suasion signer. Pretrial Services will not require him to have a FRP or moral suasion signer to accompany him to: office visits with Pretrial Services; medical appointments; meetings with counsel; and court appearances.

Marlon Ovalles  
Intensive Supervision Specialist  
U.S. Pretrial Services  
Southern District of New York  
Office: 212-805-4322  
Cell: 646-946-9495

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: October 23, 2023

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America )

v. )

Cristian Eustate Espinal ) Case No. 23MAG6716

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, Cristian Eustate Espinal (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( ☒ ) to appear for court proceedings;  
 ( ☒ ) if convicted, to surrender to serve a sentence that the court may impose; or  
 ( ☒ ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ( ☒ ) (1) This is a personal recognizance bond.  
 ( ☒ ) (2) This is an unsecured bond of \$ 100,000.00. ( ☒ ) Cosigned by 3 FRP. Plus one for moral suasion  
 ( ) (3) This is a secured bond of \_\_\_\_\_, secured by:  
 ( ) (a) \_\_\_\_\_, in cash deposited with the court.

- ( ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
*(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):*

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*  
 ( ) (d) Cosigned by \_\_\_\_\_ FRP.

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

## ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_  
Custodian Date

- ☒ (7) The defendant must:
- ☒ (a) submit to supervision by and report for supervision to the PRETRIAL SERVICES FOR ☐ Regular; ☒ Strict; ☐ As Directed  
 telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
- ☐ (b) continue or actively seek employment.
- ☐ (c) continue or start an education program.
- ☒ (d) surrender any passport to: PRETRIAL SERVICES - If located must be immediately surrendered.
- ☒ (e) not obtain a passport or other international travel document.
- ☒ (f) abide by the following restrictions on personal association, residence, or travel: SDNY/EDNY/DNJ
- ☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_
- ☐ (h) get medical or psychiatric treatment: \_\_\_\_\_
- ☐ (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- ☒ (k) not possess a firearm, destructive device, or other weapon.
- ☐ (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.
- ☐ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ☒ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☒ (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ☐ (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ☒ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
- ☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
- Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

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**ADDITIONAL CONDITIONS OF RELEASE**

- (☒) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - (☐) (ii) Voice Recognition; or
  - (☐) (iii) Radio Frequency; or
  - (☒) (iv) GPS.
- (☐) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (☐) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☒) (t) \_\_\_\_\_
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\$100,000 personal recognizance bond; To be cosigned by three financially responsible persons plus one for moral suasion; Travel restricted to SDNY/EDNY/DNJ; Strict pretrial supervision; Mental health eval/treatment as directed by pretrial services; Home incarceration; GPS; Def. not to possess firearm/destructive device/other weapon.

In addition to the required financially responsible persons, one additional person shall serve as moral suasion. All three FRP's and the person acting as moral suasion must be family members of the defendant. Def. is directed to take immediate steps to have his passport canceled and no new applications; If the passport is located, it must be immediately surrendered. During home incarceration, defendant may only leave the house for the purpose of having his passport canceled, only when accompanied by one of the three FRP's or the person of moral suasion and must do so in coordination with pretrial service. Def. must not possess any form of false identification. Def. must refrain from having discussion of any kind with co-defendants unless in the presence of counsel. Def. to be detained until all conditions are met.

Defense Counsel Name: **Jill Shellow**

Defense Counsel Telephone Number: **203-258-1463**

Defense Counsel Email Address: **jrs@shellowlaw.com**